

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 27 December 2004. Responsive to the rejections made in the Official Action, Claims 10 and 11 has been amended to clarify the language thereof and the combination of method steps that form the invention of the subject Patent Application.

In the Official Action, the Examiner rejected claims 10 & 11 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner stated that recitation "performing a canister body" in Claim 10 required clarification. Accordingly, Independent Claim 10 has been amended to correct a typographical error therein. As the Examiner apparently suspected, Applicant had intended the term --pre-forming-- and that term now replaces "performing". It is now believed that the claims particularly and distinctly claim the subject matter that Applicant regards as the invention.

In the Official Action, the Examiner rejected Claims 10 & 11 under 35 U.S.C. §103(a) as being unpatentable over Halene (U.S. Patent #4,667,815 hereinafter "Halene ") in view of Jacobellis (U.S. Patent #4,288,894 hereinafter "Jacobellis"). The Examiner stated that Halene discloses a canister having stacked wafer baffles corresponding to the interior diameter of the canister, lids and a porous tube passing through an aperture in each wafer baffle to define a metal hydride container. The Examiner admits that the reference does not disclose forming the ..

container to reduce the diameter of the open end. However, the Examiner referred to the Jacobellis reference as disclosing hot spinning the end of a canister to form the ends thereof. The Examiner then concluded that it would be obvious to one skilled in the art at the time of the invention, to form the ends of the canister of Halene by hot spinning/heat rolling as disclosed by Jacobellis.

It is respectfully submitted that the Halene reference discloses a hydrogen storage canister having a plurality of stacked storage boxes 5 containing a metal hydride 8 therein. The sieving tube 7 passes through the plurality storage boxes to allow gas to flow freely to and from the storage boxes. However, each storage box 5 is formed by a lower part 10 and an upper part 15 that forms a closure for the respective storage box 5. Thus, the reference teaches away from a method where the bottom wall of a respective upper wafer baffle forms a closure for an immediately underlying one of the wafer baffles, and a separate lid being disposed on only an uppermost one of the stacked wafer baffles to form a closure therefore, as now claimed.

Further, the Halene reference discloses an annular space 9 established between each box and the central gas tube 7. The space 9 “is an expansion chamber and space for the hydride forming interior of each box,” Column 8, lines 20-21. In other words, the boxes expand inward into the space 9, and therefore, fails to result a close contact between the boxes and the canister.

Whereas, the method of the invention of the subject Patent Application includes performing a canister body and placing a plurality of stacked wafer baffles into the canister body. Each wafer baffle has a bottom face and a peripheral wall with an outer diameter. The canister body has an inner diameter approaching an outer diameter of the peripheral wall of the wafer baffles. Upon the placement of metal hydride into the wafer baffles and charging of the metal hydride, the peripheral walls of the wafer baffles expand outward. Accordingly, the peripheral walls press against the canister body, and because the wafer baffles are made of a thermally conductive metal, the close contact between the peripheral walls and the canister body allows thermal energy to be effectively conducted therebetween. Conversely, thermal heat applied to the canister is evenly distributed and applied to the metal hydride in the wafer baffles.

The Jacobellis reference does not overcome the deficiencies of Halene. The Jacobellis reference is directed to hot spinning as a method of forming the ends of a pressure vessel. The Jacobellis reference neither discloses nor suggests a method where the bottom wall of a respective upper wafer baffle forms a closure for an immediately underlying one of the wafer baffles, and a separate lid being disposed on only an uppermost one of the stacked wafer baffles to form a closure therefore.

MR2863-147/DIV

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Thus, the combination of Halene and Jacobellis cannot make obvious the invention of the subject Patent Application, as now claimed. Accordingly, it is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script that reads "David I. Klein".

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Dated: 24 March 2005

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